From: Sanbop@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:30pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530-0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than "welfare" for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Sandra Shea
11754 Mountainwood Lane

Jacksonville, FL 32258

4382 Cornell Way
Livermore, CA 94550
January 24, 2002

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001

Dear Ms. Hesse:
Thank you for the opportunity to comment on the proposed final judgement to resolve the United States' civil antitrust case against Microsoft. I work as a computer programmer at the Lawrence Livermore National Laboratory, and have observed the development of personal computing over the last 25-30 years. I am 52 years old. With my wife, I own 177 shares of Microsoft corporation. I have followed this trial in the trade press with interest since its inception, and have read the *Complaint*, *Stipulation* ..., and *Competitive Impact Statement*.

The general bias I bring to my letter is that the proposed settlement is nowhere near an adequate remedy for the wrongs visited upon consumers and the computing industry by the defendant. Others such as James Barksdale (Netscape) and Matthew Szulik (Redhat) have spoken before Congress recently, with eloquence and at greater length. I agree with their points, so will restrict my comments to two areas:

1. Any settlement must include some simple and inescapable *punishment* designed to redress a sensible fraction of the actual damages, and to deter this and any future defendants. I believe such punishment should meet three criteria:

    a. It is not predicated upon nor subject to negotiation by the defendant;

    b. It has simple terms, with no loopholes that may boomerang – "free" software, services, in-kind payments, or reduced license fees do not qualify;

    c. It is *proportional* to the damage and *substantial* enough to cause serious reflection on the part of this company's leadership.

    I favor a cash fine, as a lump sum up front and an annual fraction of gross revenue for a period of some years. This is the form of punishment most likely to engage the stockholders of the company in its reform. Microsoft has been reported to have approximately $35 billion dollars in cash reserves at this time. Any lump sum fine for which the defendant could simply write a check seems inadequate to me.

2. One prominently reported alterative proposed by the nine state attorneys general who declined to support the *Proposed Settlement* was a requirement that the defendant should port the Office suite to Linux. This is surely well-intended. However, I offer the following contrary viewpoint:

    a. Such a requirement is unlikely to succeed. Speaking as a software developer and manager myself, there are many ways to meet formal requirements of this project and still torpedo its effect.

    b. If it did succeed, it would only increase the dominance of the product. This is an *anti*-trust action, after all.

c. It would in either case disrupt the current open source marketplace, and surely destroy the several small but promising alternatives such as StarOffice, Abiword, and others.

The defendant's relationship to open source may be something like B'rer Rabbit's to the briarpatch. I believe it might be better to *enjoin* Microsoft from entering that market than to *require* it. A simpler solution is to require the defendant to publish the file formats of the Office suite, past and present, in enough detail to allow robust inter-operable alternatives to be developed by third parties. If this might compromise intellectual property rights of the defendant, those must be balanced against the collective rights of all persons who have authored documents currently stored in the proprietary *Office* format. This case offers the opportunity to set a precedent regarding our expectation that any proprietary file format – the railroad gauges of our century – will become to some degree open after it reaches a certain prevalence of use in society. In my opinion, the public interest ultimately will require this outcome.

Yours very truly,

Lee E. Busby

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